

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER PIERCE,

Plaintiff,

v.

WASHTENAW COUNTY JAIL,

et al,

Defendants.

/

Case No. 22-12786

F. Kay Behm

United States District Judge

Curtis Ivy, Jr.

United States Magistrate Judge

**ORDER TERMINATING AS MOOT DEFENDANTS' MOTIONS TO
DISMISS (ECF Nos. 18; 25).**

Plaintiff Roger Pierce, proceeding *pro se*, filed this suit under § 1983 on November 17, 2022. (ECF No. 1). This case was referred to the undersigned for all pretrial matters. (ECF No. 8).

On February 23, 2023, Defendants Washtenaw County Jail, Lieutenant Williams, Washtenaw County Mental Health Officials, Sergeant Dea (collectively “Washtenaw Defendants”) moved to dismiss this case. (ECF No. 18). On March 9, 2023, Defendant Parker also moved to dismiss this case. (ECF No. 25). Both motions address Plaintiff’s complaint rather than his February 28, 2023, amended complaint. (ECF No. 20). When an amended complaint is filed, motions to dismiss the original complaint are moot. *See ComputerEase Software, Inc. v. Hemisphere Corp.*, 2007 WL 852103, *1 (S.D. Ohio Mar. 19, 2007) (“Since the amended complaint replaces the original complaint, the motion to dismiss the

original complaint is moot....”); *Scuba v. Wilkinson*, 2006 WL 2794939, *2 (S.D.Ohio Sept.27, 2006) (“Since the amended complaint replaces the original complaint, the motions to dismiss the original complaint are moot.”); *Weiss v. Astellas Pharma US, Inc.*, 2006 WL 1285406, *1 n. 1 (E.D.Ky. May 10, 2006) (following amendment, motions to dismiss were moot). As these motions do not address the operative complaint, they are **TERMINATED AS MOOT**. (ECF Nos. 18; 25). The parties may file dispositive motions which address the operative complaint. (ECF No. 20).

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: March 15, 2023,

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on March 15, 2023.

s/Kristen MacKay

Case Manager

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